

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
30 Aug. 2022 7:55 PM lrs  
John A. Mannle, Clerk of Court

Case No. 22-00287 LEK-KJM - Cover Letter

The Defendant's Answer to the Complaint

In The United States District Court  
For the District of Hawaii  
Civil Division

Plaintiff:  
TRENDTEX Fabrics, LTC.

- against -

Defendant:  
Tropiholic Inc. - (submitting answer to complaint)

also named as defendants:  
NTKN, Inc, Shaka Time Inc., Visual Internet Solutions Inc.

**REF: Case No. 22-00287LEK-KJM**

Date: 08/12/22

Plaintiff

Trendtex Fabrics, LTC.

Defendant

Tropiholic Inc.

8321 SE Royal St.

Hobe Sound, FL 33455

I / we have been wrongfully accused by Trendtex Fabrics, LTC of Copyright Infringement. I do not produce merchandise. I simply purchase merchandise from manufacturers. The prints mentioned in the Documents are from a longtime business called KY's Hawaii aka NTKN Inc. We deal with many manufacturers and have for decades. We have never run into any such issues. There is absolutely, no way to check every single product that we purchase for copyright issues. We have dealt with many reputable manufacturers in Hawaii for 3 generations including KY's / NTKN, whose fabric you are claiming to be in violation. We have bought many clothing items in many different fabrics from Ky's over the course of decades. How would I or anyone else know that there are a - few, specific prints - out of many that may have copyright issues? I do not know this company Trentex Fabrics. I did not even know it existed until a few months ago.

When we were approached for the first time it was in the form of an email from The Duboff Law Group that I later found in my SPAM folder. The next time I was mailed a certified letter that was returned as I was out of town trying to heal from the recent loss of our son. My mother passed away as well. Our son's birthday is April 12 the date of the initial letter and contact. My mother's birthday is April 13. We were not home. We took time off to cope.

When I read the letter in my SPAM folder, quite honestly, at first, I thought it was a hoax because the prints mentioned were from a long standing Company, Ky's, that we have carried many prints from over the span of decades with no issue. Again, I did not know this Company, Trendtex even existed. After investigating the law firm and the business website I realized that the letter was legitimate which frightened me as the numbers mentioned, to settle something I had nothing to do with, were very large. One hundred thousand dollars basically threw me into shock and made me sick to my stomach as that would break us financially. I have lost a lot of sleep over this not because we are guilty of anything but, because we do not have the funds to hire lawyers, fight big Corp, or Legal Firms. We are just a very small family business that is run from our home. I contacted Ky's / NTKN Inc and they said that their lawyers were handling it and it was best to remove the products from our website.

I have removed the 2 prints in question from our website and no longer sell it. At this time we do not even have a storefront so the prints in question are not for sale anywhere by us. It was done in a timely manner concerning the circumstances.

Business has been difficult for everyone these past few years. At the most we should have just been notified or had KY's notify us to remove the prints from our website until this is settled. I have no clue what Trendtex's agreement is with KY's for material or manufacture or when or how this all came about. I do not see any of the prints mentioned in the court documents anywhere on Trendtex website.

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How would anyone know or do a background check on every single thing that is presented for sale from manufacturers? It is impossible. That is up to the manufacturer.

In summary, we are a retailer and did not know or had any reason to believe that copyright subsisted in the works, therefore we are not liable. Once informed we needed reasonable time to investigate the situation and make inquiries. We removed the products in question from our website. We did not ignore the situation. (There was no willful intent.)

I am humbly requesting the Courts to dismiss this false accusation against our business of Copyright Infringement. We are simply a reseller just like so many others. I don't appreciate being singled out and being caused undue hardship for something I have no control over or involvement with. We, like many others, simply purchase an end product. We do not know the circumstances surrounding any agreements by the manufacturer KY's / NTKN Inc and Trendtex Fabrics. I hope they work this out and all move on as quickly and prudently as possible.

Sincerely,  
Roxanne Howard  
Tropiholic Inc.

I hope TRENDTEX Fabrics works this out with Ky's / NTKN as quickly and cost effectively as possible. No one wins in lawsuits but the lawyers. Both businesses will be financially damaged. The best outcome would be that both companies come to a quick agreement and everyone moves on.